

ments, (and more than once.) But there may be other forms of arbitration, perhaps more agreeable to the government of the United States.

There might be, for instance, a mixed commission, with an umpire, appointed by common consent, or there might be a board composed of the most distinguished civilians and jurists of the time, appointed in such a manner as should bring all pending questions to the decision of the most enlightened, impartial, and independent minds.

In the present position of affairs, and feeling how much the interests of both countries require an early as well as an amicable and satisfactory adjustment of existing difficulties, the undersigned earnestly invites the Secretary of State to take the subject of this note into consideration, with a view to such an arrangement, on the principle of arbitration, as may seem to the government of the United States to be most just, wise, and expedient.

The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration.

R. PAKENHAM.

HON. JAMES BUCHANAN, &c. &c. &c.

*Mr. Buchanan to Mr. Pakenham.*

DEPARTMENT OF STATE,

*Washington, February 4, 1846.*

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, dated on the 16th ultimo, by which he again proposes a reference of the Oregon question to arbitration. Under his present proposition the powers of the arbitrator would not, as in his last, be limited in terms to the division of the territory between the parties, but would extend to the question of their conflicting titles. There is, however, a condition annexed to this offer which exposes it to the same objection, in point of fact, if not in form, which was prominently presented in the answer of the undersigned to Mr. Pakenham's last proposal. This condition is, "that if neither [party] should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each." If the government of the United States should consent to an arbitration upon such a condition, this might, and probably would, be construed into an intimation, if not a direct invitation, to the arbitrator, to divide the territory between the parties. Were it possible for the President, under any circumstances, to consent to refer the subject to arbitration, the title, and the title alone, detached from every other consideration, is the only question which could be submitted. If not confined to a single point, so strong is the natural disposition of arbitrators to please both parties, that, in almost every instance, whether of national or individual controversies, they make a compromising award. We have a memorable example of this in our last arbitration with Great Britain. Notwithstanding that the arbitrator, under the terms of the submission, was clearly and